



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 01291-00

13 September 2000

LT [REDACTED] CHC USNR
[REDACTED]
[REDACTED]

Dear Lieutenant [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 20 July 2000, a copy of which is attached. The Board also considered your letter dated 15 August 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board noted that you provided no statement from the selection board member concerned verifying that he had received slanderous information about you before the promotion board met. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1401
PERS 85
20 Jul 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: SPECIAL PROMOTION SELECTION BOARD REQUEST ICO
LT [REDACTED] CHC, USN, [REDACTED]

Ref: (a) PERS-002CB 5420 MEMO of 3 Apr 00
(b) SECNAVINST 1401.1B

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of LT Evers request for a special promotion selection board. Per reference (a), [REDACTED] requests a FY-97 Active Duty Lieutenant Commander Staff Special Promotion Selection Board based on his belief that board membership acted contrary to law and disposition through the actions of a fellow chaplain who allegedly slandered [REDACTED] reputation.
2. [REDACTED] was considered as an in-zone eligible before the FY-97 Active Lieutenant Commander Staff Promotion Selection Board and failed of selection. He alleges that slander by a fellow chaplain may have prejudiced a board member against him, and hence, feels his record did not receive an honest evaluation.
3. The Secretary of the Navy's precept to all promotion selection boards specifically instructs board members that they may not discuss or disclose the opinion of any person not a member of the board concerning an officer being considered, unless that opinion is contained in material provided to the board under the provision of DOD Directive 1320.12. There was no material provided to the board other than that which [REDACTED] in his correspondence dated 24 Apr 96 or his official microfiche record. Further, he provides no evidence or documentation to support his allegation that the board acted contrary to law in considering him for promotion.
4. Recommend disapproval of his request. [REDACTED]

BCNR Liaison, Officer Promotions and
Enlisted Advancements Division